

Application No. 10/524,345
Amdt. dated October 12, 2006
Response to the Office Action of August 11, 2006

REMARKS/ARGUMENT

This response is submitted under 37 C.F.R. § 1.111 to the Office Action of August 11, 2006.

Claims 2, 4, 6, 8, 9, and 12-22 are pending in the application with claims 2, 4, 6, 8, 9, and 12-16 having been amended, claims 1, 3, 5, 7, 10, and 11 having been canceled, and new claims 17-22 added.

No additional fee is believed to be due.

The Examiner's attention is directed to co-pending U.S. Patent Application No. 10/535,723, which claims a process related to, but patentably distinct from, that of the present invention.

Claims 1-9 and 11-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Specifically, according to the Examiner, the amide nitrogen in the compound of formulas (I), (I'), and (I'') is unclear because it does not have the proper number of atoms bonded to it and lacks a mandatory hydrogen atom or other atom on the nitrogen atom.

It is submitted that Applicants have employed a convention with regard to the nitrogen atom that is well-known and understood by those skilled in the art, i.e., specifically showing the attached hydrogen atom. Notwithstanding, and in order to advance the application to allowance, Applicants have submitted new claims in which the hydrogen atom attached to the nitrogen atom

Application No. 10/524,345
Amdt. dated October 12, 2006
Response to the Office Action of August 11, 2006

in question is specifically shown. Accordingly, it is requested that the rejection of claims 1-9 and 11-16 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claim 16 is rejected under 35 U.S.C. 112, first paragraph, because, according to the Examiner, the specification is not enabling for the use of all the compounds within its scope to treat plants for all phytopathogenic fungi.

Claim 16 is amended to recite the use of the compounds of claim 20 for treating plants against *Alternaria brassicae*, *Botrytis cinerea*, *Pyrenophora teres*, and *Septoria tritici*. Accordingly, it is requested that the rejection of claim 16 under 35 U.S.C. 112, first paragraph, be withdrawn.

Claim 10 is "objected to" because it was based on a rejected claim. Claim 10 has been canceled, and new independent claim 21 has been presented in its place. Withdrawal of the objection and allowance of new claim 21 are respectfully requested.

In view of the foregoing, it is submitted that this application is now in condition for allowance, and an early Office Action to that end is earnestly solicited.

Respectfully submitted,

12 Oct 2006

Date



Paul Grandinetti
Reg. No. 30,754
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone (202) 457-7785